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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT CALIFORNIA**

14 UNITED STATES OF AMERICA,	) Case No. C 07 06045 (SC)
15 Plaintiff,	) <b>DECLARATION OF GARY S.</b>
16 vs.	) <b>MAUSETH IN SUPPORT OF REGAL</b>
17 M/V COSCO BUSAN, LR/IMO Ship. No.	) <b>STONE, LTD. AND FLEET</b>
18 9231743 her engines, apparel, electronics,	) <b>MANAGEMENT, LTD.'S MOTION TO</b>
19 tackle, boats, appurtenances, etc., <i>in rem</i> ,	) <b>DISMISS, OR IN THE ALTERNATIVE,</b>
20 THE SHIOPWNERS' INSURANCE &	) <b>STAY PROCEEDINGS [FRCP 12(b)(1)]</b>
21 GUARANTY COMPANY LTD., REGAL	) <b>Date:</b> May 9, 2008
22 STONE, LIMITED, FLEET	) <b>Time:</b> 10:00 a.m.
23 MANAGEMENT LTD., and JOHN COTA,	) <b>Dept.:</b> 1
24 <i>in personam</i> ,	) <b>(The Honorable Samuel</b>
25	) <b>Conti)</b>
26 Defendants.	)

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26 Gary W. Mauseth declares as follows:

27 1. I am the president of Polaris Applied Sciences ("Polaris") and make this

1 declaration based on my personal knowledge and experience.

2       2. Polaris is a scientific consulting company that provides technical and scientific  
3 advice and services to companies involved in cleaning up spills of oil and toxic chemicals.  
4 Polaris also provides advice and services to responsible parties that are engaged in  
5 natural resource damage assessments ("NRDA") under the Oil Pollution Act of 1990 and  
6 the CERCLA. I have participated in NRDA in approximately 75 cases involving oil spills  
7 from vessels since 1990. I am very familiar with the NRDA process followed by agencies  
8 of the United States and the State of California.

9       3. Polaris has been hired to act as the lead NRDA consultant for the responsible  
10 parties in the COSCO BUSAN oil spill. I am the lead Polaris representative for the  
11 COSCO BUSAN NRDA.

12       4. Agencies of the United States and the State of California with jurisdiction over  
13 the natural resources impacted by the COSCO BUSAN oil spill have commenced a  
14 cooperative NRDA process, pursuant to the OPA NRDA regulations set forth at 15 CFR  
15 990 and State law. These agencies include the National Park Service (NPS), the  
16 National Oceanic and Atmospheric Administration, The United States Fish and Wildlife  
17 Service (USFWS) and the California Department of Fish and Game. The NPS has been  
18 designated as the Federal Lead Administrative Trustee for this NRDA.

19       5. The NRDA regulations require the trustee agencies to follow a detailed process  
20 for assessing injuries to natural resources as the result of an oil spill. At the end of the  
21 process, the trustees and the responsible party almost always reach a settlement of the  
22 natural resource damages claims. The settlement is subject to public comment, and is  
23 then finalized in the form of a consent decree.

24       6. The process outlined above takes several years to complete. In a case such as  
25 the COSCO BUSAN, it would not be unusual for the NRDA process to take up to 5 years,  
26  
27  
28

before the injury assessment and restoration planning processes outlined in the NRDA regulations are complete, and a consent decree has been entered.

7. Among the injuries that the trustees are assessing in the COSCO BUSAN NRDA, are injuries to resources under the jurisdiction of national parks and national marine sanctuaries. It is my understanding that if the NRDA trustees determine that resources within parks and national marine sanctuaries were injured, or that the public lost the ability to use and enjoy these resources, as a result of the COSCO BUSAN oil spill, then they will seek damages under OPA 90 to compensate the public for these losses.

Executed this 7<sup>th</sup> day of February 2008, at Kirkland, Washington. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Gary S. Mauseth